

Pt. 323, App. F

32 CFR Ch. I (7–1–11 Edition)

public notice describing the matching program. The notice should include:

1. The legal authority under which the match is being conducted.

2. A description of the matching program including whether the program is one time or continuing, the organizations involved, the purpose or purposes for which the program is being conducted, and the procedures to be used in matching and following up on the “hits.”

3. A complete description of the personal records to be matched, including the source or sources, system of records identifying data, date or dates and page number of the most recent FEDERAL REGISTER full text publication when appropriate.

4. The projected start and ending dates of the program.

5. The security safeguards to be used to protect against unauthorized access or disclosure of the personal records.

6. Plans for disposition of the source records and “hits.”

7. Agencies should send a copy of this notice to the Congress and to OMB at the same time it is sent to the FEDERAL REGISTER.

a. Agencies should report new or altered systems of records as described in subparagraph 5b, above, as necessary.

b. Agencies should also be prepared to report on matching programs pursuant to the reporting requirements of either the Privacy Act or the Paperwork Reduction Act. Reports will be solicited by the Office of Information and Regulatory Affairs and will focus on both the protection of individual privacy and Government’s effective use of information technology. Reporting instructions will be disseminated to the agencies as part of either the reports required by paragraph (p) of the Privacy Act, or section 3514 of Pub. L. 96–511.

8. *Use of Contractors.* Matching programs should, as far as practicable, be conducted “in-house” by Federal agencies using agency personnel, rather than by contract. When contractors are used:

a. The matching agency should, consistent with paragraph (m) of the Privacy Act, cause the requirements of that Privacy Act to be applied to the contractor’s performance of the matching program. The contract should include the Privacy Act clause required by Federal Personnel Regulation Amendment 155 (41 CFR 1–1.337–5).

b. The terms of the contract should include appropriate privacy and security provisions consistent with policies, regulations, standards, and guidelines issued by OMB, GSA, and the Department of Commerce.

c. The terms of the contract should preclude the contractor from using, disclosing, copying, or retaining records associated with the matching program for the contractor’s own use.

d. Contractor personnel involved in the matching program shall be made explicitly aware of their obligations under the Privacy Act and of these guidelines, agency rules, and any special safeguards in relation to each specific match performed.

e. Any disclosures of records by the agency to the contractor should be made pursuant to a “routine use” (5 U.S.C. 552a(b)(3)).

F. *Implementation and Oversight.* OMB will oversee the implementation of these guidelines and will interpret and advise upon agency proposals and actions within their scope, consistent with section 6 of the Privacy Act.

**APPENDIX F TO PART 323—LITIGATION
STATUS SHEET**

1. Case Number.¹

2. Requester.

3. Document Title or Description.²

4. Litigation.

a. Date Complaint Filed.

b. Court.

c. Case File Number.¹

5. Defendants (DoD Component and individual).

6. Remarks (brief explanation of what the case is about).

7. Court Action.

a. Court’s Finding.

b. Disciplinary Action (as appropriate).

8. Appeal (as appropriate).

a. Date Complaint Filed.

b. Court.

c. Case File Number.¹

d. Court’s Finding.

e. Disciplinary Action (as appropriate).

**APPENDIX G TO PART 323—PRIVACY ACT
ENFORCEMENT ACTIONS**

A. *Administrative Remedies.* Any individual who feels he or she has a legitimate complaint or grievance against the Defense Logistics Agency or any DLA employee concerning any right granted by this DLAR will be permitted to seek relief through appropriate administrative channels.

B. *Civil Actions.* An individual may file a civil suit against DLA or its employees if the individual feels certain provisions of the Privacy Act have been violated (see 5 U.S.C. 552a(g), reference (b).)

C. *Civil Remedies.* In addition to specific remedial actions, the Privacy Act provides for the payment of damages, court cost, and attorney fees in some cases.

D. *Criminal Penalties—*

¹Number used by the Component for reference purposes.

²Indicate the nature of the case, such as “Denial of access,” “Refusal to amend,” “Incorrect records,” or other violations of the Act (specify).